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VIA ECF

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Hon. Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Wang v. United States*, Case No. 13-CV-03524

Dear Judge Irizarry:

On behalf of Joseph Wang, we write to apprise the Court of the re-sentencing of Mr. Wang's co-defendants, Roger Kwok and Alex Wong.

By way of brief background, Mr. Wang filed a habeas corpus petition pursuant to § 2255 seeking to vacate his 1992 mandatory life sentence, as a result of *Miller v. Alabama*, 130 S. Ct. 2455 (2012), which rendered unconstitutional mandatory life sentences for juvenile offenders. This Court stayed resolution of Mr. Wang's petition pending the U.S. Supreme Court's resolution of whether *Miller* applies retroactively. On January 25, 2016, the Supreme Court found that *Miller* applies retroactively. *See Montgomery v. Louisiana*, 136 S. Ct. 718 (2016).

In the interim, Mr. Wang's co-defendants, Messrs. Kwok and Wong, pursued similar *Miller*-based § 2255 petitions and were granted re-sentencing proceedings under *Miller*. On April 8, 2016, Judge Raymond J. Dearie resentenced Mr. Wong to 35 years' imprisonment. *See* Ex. A at 22. During Mr. Wong's re-sentencing, the Assistant U.S. Attorney cited Joseph Wang's limited disciplinary record in prison as an example of a characteristic deserving of consideration in a *Miller* resentencing. *Id.* at 11. On June 9, 2016, Judge Sterling Johnson, Jr. resentenced Mr. Kwok to 37 years' imprisonment. *See* Ex. B at 17.

We respectfully request that the Court grant Mr. Wang's petition for re-sentencing.

Respectfully submitted,



Michael W. Ross

cc: Counsel of Record